

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

Crl.MC.No. 3265 of 2007()

**(AGAINST ORDER IN C.M.P.NO.4487/07 IN C.C.260/07 ON THE
FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE, ALATHUR)**

PETITIONER: ACCUSED:

**NANDAKUMAR @ NANDAN @ MOHAN KUMAR,
S/O. NARAYANAN, AGED 38 YEARS,
KODAPANAKKAL VEED, MANAKKODI VILLAGE, ARIMBUR,
THRISSUR.
(PERMANENT RESIDENT OF 532, NETHAJI NAGAR, PALANI,
TAMIL NADU).**

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENT:

**STATE BY NENMARA POLICE STATION,
(CRIME NO.174/96), REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

**THIS CRIMINAL MISC.CASE HAVING COME UP FOR ADMISSION
ON 25/10/2007 ALONG WITH CRL.M.C.NO.3269 OF 2007 AND
CONNECTED CASES, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:**

KSS

R.BASANT, J

**Crl.M.C.Nos.3265, 3269, 3272, 3273, 3274, 3275,
3277, 3278 & 3281 of 2007**

Dated this the 25th day of October, 2007

O R D E R

The common petitioner in these 9 Crl.M.Cs faces indictment in 9 different prosecutions, all before the learned Judicial Magistrate of the First Class, Alathur. In all these cases, allegations are raised of offences punishable under Sections 457 and 380 I.P.C. The records show that the petitioner was once enlarged on bail and consequent to his non appearance, the bail was cancelled and the petitioner was taken back to custody. The petitioner had applied for regular bail on his own bond. The learned Magistrate obviously felt that such release may not be proper. Accordingly, the petitioner's prayer for such release on self bond was dismissed by the learned Magistrate by the impugned common order.

2. The learned counsel for the petitioner submits that the petitioner has not filed any bail application before this Court. Instead, he has chosen to come before this Court with these Crl.M.Cs. According to the learned counsel for the petitioner, the petitioner is innocent. His absence earlier was not wilful or intentional. The petitioner has no one to look after his family. His daughter is

pregnant. The date of expected delivery is fast approaching. It is expected that a caesarean surgery will have to be undertaken. If the petitioner is not permitted to be released on self bond, the petitioner's interest would be greatly suffered. In these circumstances it is prayed that the impugned orders may be set aside and the petitioner may be directed to be released on self bond.

3. I find absolutely no reason to grant bail in these applications filed under Section 482 Cr.P.C. In the course of discussions at the Bar, the learned counsel for the petitioner submits that the petitioner is willing to offer cash security as condition for grant of bail. In the alternative he submits that he may be permitted to produce sureties from his native place at Tamil Nadu. It is for the petitioner to make appropriate fresh application for bail before the learned Magistrate in all the pending prosecutions. The learned Magistrate must consider the prayer of the petitioner including the prayer that he may be permitted to offer sureties from his native place or may be permitted to make cash deposits to show his bona fides or offer sureties from his native place. Such prayer, needless to say, must be considered by the learned Magistrate expeditiously and appropriate orders must be passed.

These Crl.M.Cs are dismissed with the above observations.

(R.BASANT, JUDGE)

rtr/-

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3